



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 08/26/2003 (Per: ARG)



☞ The 2003 drafting file for LRB 03-2937/1

has been copied/added to the 2003 drafting file for

LRB 03-3164

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied on yellow paper (darkened - auto centered - reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

2003 DRAFTING REQUEST

Bill

Received: 07/01/2003

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Jerry Petrowski (608) 266-1182

By/Representing: Katie Scott (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages

Extra Copies: RCT

Submit via email: YES

Requester's email: Rep.Petrowski@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer of retail license to another municipality within a county by grandfathered beer wholesaler

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 07/07/2003	kgilfoy 07/07/2003		_____			S&L
/P1			rschluet 07/07/2003	_____	amentkow 07/07/2003		S&L
/P2	agary	kgilfoy	rschluet	_____	lemery		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/24/2003	07/29/2003	07/30/2003	_____	07/30/2003		
/1	agary 08/11/2003	kgilfoy 08/11/2003	jfrantze 08/11/2003	_____ _____	sbasford 08/11/2003		

FE Sent For:

<END>

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/?	agary 07/07/2003	kgilfoy 07/07/2003		_____			S&L
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Kmg

07/30/2003 08:35:14 AM
Page 2

LRB-2937

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/24/2003	07/29/2003	07/30/2003	_____	07/30/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 07/01/2003

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Jerry Petrowski (608) 266-1182

By/Representing: Katie Scott/Kathy Marschman (a)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages

Extra Copies: RCT

Submit via email: YES

Requester's email: Rep.Petrowski@legis.state.wi.us

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Instructions:

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7-30-1

JF

07/07/2003 11:43:12 AM

Page 2

LRB-2937

FE Sent For:

<END>

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Bill

Received: 07/01/2003

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Wanted: As time permits

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For: Jerry Petrowski (608) 266-1182

By/Representing: Katie Scott/Kathy Marschman (a

This file may be shown to any legislator: NO

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No specific pre topic given

Topic:

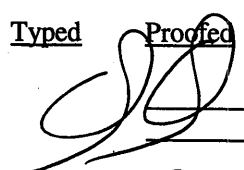
Transfer of retail license to another municipality within a county by grandfathered beer wholesaler

Instructions:

See Attached

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1/?	agary	1/01-6/7 KMG		7-7-3			
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FE Sent For:

<END>

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, June 24, 2003 4:58 PM
To: Scott, Kathryn
Subject: RE: Question

Katie,

I'll need to clarify this a little. The alcohol beverages statutes are not known for their consistency, and are often confusing in their "ad hoc" nature. The drafts sent over relate to beer wholesalers. The system for beer wholesalers and liquor wholesalers is totally different - like apples and oranges. Beer wholesalers are licensed by the municipality. Liquor wholesalers are licensed by the Dept. of Revenue (DOR). s. 125.54. While a beer wholesaler's sales area may be tied to the issuing municipality, a liquor wholesaler's sales area is not; it is established by the authorization provided in the wholesaler's filing with DOR under s. 125.54 (5). I think I will need to draft this from scratch. I would recommend discussing with Roger B. Johnson at DOR the specifics of how sales territories of liquor wholesalers are established (I'm actually not sure how the details work). If we can identify what specifically is the statutory hang-up that prevents a certain type of liquor wholesaler from selling in a certain manner, I could draft something in s. 125.54 to specifically address the problem. I would also want to confirm that we are in fact talking about liquor wholesalers rather than liquor retailers.

As we just discussed, please feel free to call me to discuss this further. Otherwise I will just wait to hear back. Thanks.
Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Scott, Kathryn
Sent: Tuesday, June 24, 2003 4:36 PM
To: Gary, Aaron
Subject: Question
Importance: High

Hi Aaron,

We are working on drafting a bill for some liquor wholesaler's in our district. I just sent over to you a draft which you have done - is there anyway that you could draft for us this same language, but delete all of the 'Class "A"' phrases? Our intent would be to allow wholesale distributors (with trailers, esp at carnivals) the ability to more easily switch municipalities. For example, so that a wholesale distributor with a trailer moves around from carnival to carnival, he would be able to use the same license.

If you have any questions, please feel free to contact me.

Thank you,
Katie
Representative Jerry Petrowski

Gary, Aaron

From: Gary, Aaron
Sent: Monday, June 30, 2003 3:35 PM
To: Scott, Kathryn
Subject: FW: s. 125.28 (beer wholesalers)

Katie,
FYI, here is the response to my question from DOR. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Johnson, Roger B
Sent: Monday, June 30, 2003 1:10 PM
To: Gary, Aaron
Cc: Nordlie, John K; Brandt, Barbara K - DOR
Subject: RE: s. 125.28 (beer wholesalers)

A beer wholesaler licensed anywhere in the state may do business and make sales throughout the state; sales are not restricted to the licensing municipality.

My sense is that the language refers to the fact that the wholesaler must have a licensed premises, and that it may be licensed by the municipality where the premises is located; as the statute further states, " In the case of a foreign corporation or foreign limited liability company whose wholesale premises is located outside of this state, the wholesaler's license shall be issued by the governing body of the municipality in which some part of the wholesaler's business is conducted in this state."

Roger B. Johnson
Wisconsin Alcohol & Tobacco Enforcement
(608) 266-6757

-----Original Message-----

From: Gary, Aaron
Sent: Wednesday, June 25, 2003 1:57 PM
To: Johnson, Roger B
Subject: s. 125.28 (beer wholesalers)

Mr. Johnson,

I am trying to make sense of that portion of s. 125.28 (1) that reads: "Every municipal governing body may issue licenses to wholesalers for the sale of fermented malt beverages *from premises within the municipality.*" (italics added.) Can you tell me how DOR interprets this provision for purposes of enforcement - can the beer wholesaler's delivery vehicle deliver beer from the wholesaler's premises in the licensing municipality to a beer retailer located in a different municipality? Thank you again for your assistance. Aaron

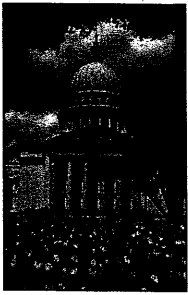
Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
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608.264.6948 (fax)
aaron.gary@legis.state.wi.us

LRB 2937

7/01/03

Telephone conference with Kathy Marschman clarifying this request. The situation is that a wholesaler, who was grandfathered to allow him to continue to sell at retail under a Class "A" license, moved the Class "A" premises to a new municipality and unwittingly lost the license (the new municipality would not issue him a new license). Want to allow a wholesaler/distributor in this situation (who is grandfathered under change in law in 1994) to transfer the Class "A" license to another municipality within the same county. Would like to see the draft soon.

ARG



STATE REPRESENTATIVE
JERRY PETROWSKI
86TH ASSEMBLY DISTRICT

STATE CAPITOL:
P.O. Box 8953
Madison, WI 53708-8953

(608) 266-1182
Fax: (608) 282-3686

TOLL-FREE
(888) 534-0086

DISTRICT:
720 North 136th Avenue
Marathon, WI 54448-9580
(715) 845-6193

June 24, 2003

Hi Aaron,

We are working on drafting a bill for some liquor wholesaler's in our district. The following is a draft which you have done - is there anyway that you could draft for us this same language, but delete all of the 'Class "A"' phrases? Our intent would be to allow wholesale distributors (with trailers, esp at carnivals) the ability to more easily switch municipalities. For example, so that a wholesale distributor with a trailer moves around from carnival to carnival, he would be able to use the same license.

If you have any questions, please feel free to contact me.

Thank you,

Katie

Representative Jerry Petrowski
State Representative
86th Assembly District

Enclosure



State of Wisconsin
2003 - 2004 LEGISLATURE

Aaron Garg

LRB-1290/F1
ARG:kmg:epb

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 125.04 (12) (a) of the statutes; relating to: transferring
2 certain alcohol beverage licenses to premises in another municipality within
3 the same county.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling alcohol beverages unless the seller possesses a license or permit authorizing the sale. A Class "A" license authorizes the license holder to sell at retail, from premises within the issuing municipality, fermented malt beverages (beer) in original packages for consumption off the licensed premises. A beer wholesaler's license authorizes the license holder to sell to retailers or wholesalers, from premises within the issuing municipality, beer in original packages that may not be consumed on or about the wholesaler's premises. As of May 5, 1994, municipalities may not issue a Class "A" license and a beer wholesaler's license to the same person, but persons holding both a Class "A" license and a beer wholesaler's license issued before that date may, with certain exceptions, continue to operate under both licenses.

Also under current law, with certain restrictions, the holder of an alcohol beverage license may transfer the license to another premises within the same municipality.

This bill allows a person who holds Class "A" and beer wholesaler's licenses issued before May 5, 1994, to transfer either or both licenses to a premises in another municipality within the same county, and requires the municipality receiving a transferred license to recognize the validity of the license upon payment of the transfer fee.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.04 (12) (a) of the statutes is amended to read:

125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. A Class "A" license or wholesaler's license identified in s. 125.25 (2) (b) 2., or both, may be transferred to another premises in any other municipality located in the same county as the issuing municipality. Transfers shall be made by the issuing authority upon payment of a fee of \$10 to the issuing authority and, for transfers of a Class "A" license or wholesaler's license identified in s. 125.25 (2) (b) 2. to another municipality, transfers shall be received and the validity of the transferred license recognized by the receiving municipality upon payment to the receiving municipality of an additional fee of \$10. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

SECTION 2. Initial applicability.

(1) This act first applies to applications for transfer of a license made on the effective date of this subsection.

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2179/P1
ARG:kmg:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 125.04 (12) (a), 125.25 (2) (b) 3., 125.25 (3), 125.28 (2) (c) 2. and
2 125.28 (3); and to create 125.25 (2) (b) 4. and 125.28 (2) (c) 3. of the statutes;
3 relating to: transferring certain alcohol beverage licenses to premises in
4 another municipality within the same county.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling alcohol beverages unless the seller possesses a license or permit authorizing the sale. A Class "A" license authorizes the license holder to sell at retail, from premises within the issuing municipality, fermented malt beverages (beer) in original packages for consumption off the licensed premises. A beer wholesaler's license authorizes the license holder to sell to retailers or wholesalers, from premises within the issuing municipality, beer in original packages that may not be consumed on or about the wholesaler's premises. As of May 5, 1994, municipalities may not issue a Class "A" license and a beer wholesaler's license to the same person, but persons holding both a Class "A" license and a beer wholesaler's license issued before that date may, with certain exceptions, continue to operate under both licenses.

Also under current law, with certain restrictions, the holder of an alcohol beverage license may transfer the license to another premises within the same municipality.

This bill allows a person who holds Class "A" and beer wholesaler's licenses issued before May 5, 1994, to transfer the licenses together to a premises in another municipality within the same county, and requires the municipality receiving the

transferred licenses to issue replacement licenses and to treat these replacement licenses as if they had been issued prior to May 5, 1994. The bill allows a licensee to transfer these Class "A" and beer wholesaler's licenses even if the licenses have been suspended, revoked, or denied renewal if the suspension, revocation, or denial of renewal resulted from relocation of the licensed premises outside the issuing municipality.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.04 (12) (a) of the statutes is amended to read:

125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. A Class "A" license that meets the criteria under s. 125.25 (2) (b) 4. and a wholesaler's license that meets the criteria under s. 125.28 (2) (c) 3. may be transferred together to another premises within the same county as provided in ss. 125.25 (2) (b) 4. and 125.28 (2) (c) 3. Transfers shall be made by the issuing authority upon payment of a fee of \$10. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

SECTION 2. 125.25 (2) (b) 3. of the statutes is amended to read:

125.25 (2) (b) 3. If Except as provided in subd. 4., if a person holding a Class "A" license and a wholesaler's license under subd. 2. fails to renew either license, is

1 denied renewal of either license under s. 125.12 or has either license suspended or
2 revoked under s. 125.12, the person is subject to subd. 1.

3 SECTION 3. 125.25 (2) (b) 4. of the statutes is created to read:
4

5 125.25 (2) (b) 4. A person who holds a Class "A" license and a wholesaler's
6 license issued under s. 125.28, both of which licenses were issued before May 5, 1994,
7 may transfer the licenses together to another premises in a different municipality
8 within the same county. Notwithstanding subd. 1., upon application under s. 125.04
9 (12) (a) by the licensee to the issuing municipality and transfer of the licenses by the
10 issuing municipality to the receiving municipality in which the new premises is
11 located, the receiving municipality shall issue a replacement Class "A" license, which
12 shall, for purposes of this paragraph, be treated as if it had been issued by the
13 receiving municipality prior to May 5, 1994. An issuing municipality shall transfer
14 a Class "A" license under this subdivision, and the receiving municipality shall
15 recognize the validity of the license, even if, at the time of transfer, the license has
16 been suspended; revoked, or denied renewal under s. 125.12 provided that the
17 suspension, revocation, or denial of renewal resulted from the licensed premises
18 being relocated outside the corporate limits of the issuing municipality.

19 SECTION 4. 125.25 (3) of the statutes is amended to read:

20 125.25 (3) Class "A" licenses shall particularly describe the premises for which
21 issued and are not transferable, except under sub. (2) (b) 4. and s. 125.04 (12). A Class
22 "A" license is subject to revocation for violation of any of the terms or provisions
23 thereof.

24 SECTION 5. 125.28 (2) (c) 2. of the statutes is amended to read:

25 125.28 (2) (c) 2. ~~If Except as provided in subd. 3.,~~ if a person holding a
wholesaler's license and a license or permit under subd. 1. fails to renew a license or

1 permit, is denied renewal of a license or permit under s. 125.12 or has one of the
2 licenses or permits suspended or revoked under s. 125.12, the person is subject to par.
3 (b) with respect to holding a license or permit of that type after the failure or denial
4 of renewal or the revocation or suspension of the license or permit.

5 SECTION 6. 125.28 (2) (c) 3. of the statutes is created to read:

6 125.28 (2) (c) 3. A person who holds a Class "A" license issued under s. 125.25
7 and a wholesaler's license, both of which licenses were issued before May 5, 1994,
8 may transfer the licenses together to another premises in a different municipality
9 within the same county. Notwithstanding par. (b), upon application under s. 125.04
10 (12) (a) by the licensee to the issuing municipality and transfer of the licenses by the
11 issuing municipality to the receiving municipality in which the new premises is
12 located, the receiving municipality shall issue a replacement wholesaler's license,
13 which shall, for purposes of this paragraph and par. (b), be treated as if it had been
14 issued by the receiving municipality prior to May 5, 1994. An issuing municipality
15 shall transfer a wholesaler's license under this subdivision, and the receiving
16 municipality shall recognize the validity of the license, even if, at the time of transfer,
17 the license has been suspended, revoked, or denied renewal under s. 125.12 provided
18 that the suspension, revocation, or denial of renewal resulted from the licensed
19 premises being relocated outside the corporate limits of the issuing municipality.

20 SECTION 7. 125.28 (3) of the statutes is amended to read:

21 125.28 (3) Wholesalers' licenses shall particularly describe the premises for
22 which issued and are not transferable, except as provided in sub. (2) (c) 3. and s.
23 125.04 (12). A wholesaler's license is subject to revocation for violation of any of the
24 terms or provisions thereof.

25 SECTION 8. Initial applicability.

1
2
3

(1) This act first applies to applications for transfer of licenses made on the effective date of this subsection.

(END)

Gary, Aaron

From: Scott, Kathryn
Sent: Monday, July 07, 2003 9:37 AM
To: Gary, Aaron
Subject: RE: Beer wholesaler draft

Thank you. Could you do the LRB-1290 draft. This would be only for beer wholesalers. We do NOT need any language drafted for liquor wholesalers. The situation regards beer wholesalers only.

If you have any questions or need any other information, please feel free to contact me.

Katie
Representative Jerry Petrowski

-----Original Message-----

From: Gary, Aaron
Sent: Tuesday, July 01, 2003 3:33 PM
To: Marschman, Kathy
Cc: Scott, Kathryn
Subject: Beer wholesaler draft

Kathy,

The two drafts that Katie sent to me (LRB-1290/P1 and LRB-2179/P1) accomplish, in different ways, the basic intent that you expressed in our conversation today. I will basically copy one draft or the other; which draft I use depends on what details you want (but we can also make whatever modifications you'd like). The difference between the two drafts is as follows:

LRB-1290: This draft is pretty straightforward compared to the other (and shorter). If a person who holds both a beer wholesaler and a Class "A" license that have been grandfathered (issued prior to 1994) relocates either the wholesaler premises or the Class "A" premises or both to another municipality within the same county, the new municipality must recognize the existing license issued by the old municipality. The new municipality collects a \$10 fee but does not actually issue a new license. Since no "new" license is issued, in some respects it is cleaner, but it does create a unique circumstance in requiring a municipality to recognize a license that was not actually issued by it. The draft applies even if only one of the two premises is relocated. The draft does not specifically allow a now "defunct" license to be resuscitated.

LRB-2179: Under this draft, a person who holds both a beer wholesaler and a Class "A" license that have been grandfathered may relocate both premises to another municipality within the same county. The new municipality actually issues replacement licenses, which are entitled to the same treatment as the old licenses. Unlike LRB-1290, the draft only covers the situation where both wholesaler and Class "A" premises are relocated at the same time. Also unlike LRB-1290, this draft specifically allows a now "defunct" license to be resuscitated.

Does either one of these drafts appear to be clearly more applicable than the other to the situation at hand? I can also create any combination of the two.

At some point, I think the question was raised as to whether the term Class "A" could be eliminated. The draft will need to specify what retail licenses it applies to, so the draft will need to include reference to either Class "A" or Class "B" or both licenses, depending on what scope of coverage you want. (A Class "A" licensee is basically an off-premises beer retailer such as a liquor or grocery store, and a Class "B" licensee is basically an on-premises beer retailer such as a tavern.)

Please let me know how you would like me to proceed with drafting. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Seen
turned
in 1/7

-2937/P1
LRB: ~~12507~~
ARG: ~~long~~ ~~eph~~

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

- 1 AN ACT *to amend* 125.04 (12) (a) of the statutes; relating to: transferring
- 2 certain alcohol beverage licenses to premises in another municipality within
- 3 the same county.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling alcohol beverages unless the seller possesses a license or permit authorizing the sale. A Class "A" license authorizes the license holder to sell at retail, from premises within the issuing municipality, fermented malt beverages (beer) in original packages for consumption off the licensed premises. A beer wholesaler's license authorizes the license holder to sell to retailers or wholesalers, from premises within the issuing municipality, beer in original packages that may not be consumed on or about the wholesaler's premises. As of May 5, 1994, municipalities may not issue a Class "A" license and a beer wholesaler's license to the same person, but persons holding both a Class "A" license and a beer wholesaler's license issued before that date may, with certain exceptions, continue to operate under both licenses.

Also under current law, with certain restrictions, the holder of an alcohol beverage license may transfer the license to another premises within the same municipality.

This bill allows a person who holds Class "A" and beer wholesaler's licenses issued before May 5, 1994, to transfer either or both licenses to a premises in another municipality within the same county, and requires the municipality receiving a transferred license to recognize the validity of the license upon payment of the transfer fee.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 125.04 (12) (a) of the statutes is amended to read:

2 125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit
3 may be transferred to another place or premises within the same municipality. An
4 alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53
5 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to
6 another premises within this state. A Class "A" license or wholesaler's license
7 identified in s. 125.25 (2) (b) 2., or both, may be transferred to another premises in
8 any other municipality located in the same county as the issuing municipality.
9 Transfers shall be made by the issuing authority upon payment of a fee of \$10 to the
10 issuing authority and, for transfers of a Class "A" license or wholesaler's license
11 identified in s. 125.25 (2) (b) 2. to another municipality, transfers shall be received
12 and the validity of the transferred license recognized by the receiving municipality
13 upon payment to the receiving municipality of an additional fee of \$10. No retail
14 licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or
15 winery permit is entitled to more than one transfer during the license or permit year.
16 This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve
17 "Class B" license, as defined in s. 125.51 (4) (a).

18 **SECTION 2. Initial applicability.**

19 (1) This act first applies to applications for transfer of a license made on the
20 effective date of this subsection.

21 (END)

D - Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2937/P1dn

ARG: k...

kmg

The attached bill is prepared as a preliminary draft. Please let me know if you would like any changes. If the bill meets with your approval, please let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2937/P1dn
ARG:kmg:rs

July 7, 2003

The attached bill is prepared as a preliminary draft. Please let me know if you would like any changes. If the bill meets with your approval, please let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Scott, Kathryn
Sent: Tuesday, July 22, 2003 2:33 PM
To: Gary, Aaron
Subject: RE: s. 125.28 (beer wholesalers)

Thank you Aaron. Just wanted to ensure that! We appreciate your work on this.

-----Original Message-----

From: Gary, Aaron
Sent: Tuesday, July 22, 2003 2:32 PM
To: Scott, Kathryn
Subject: RE: s. 125.28 (beer wholesalers)

Katie,

I will redraft this to reflect your second and third items. With regard to your first item, it is already narrowed down exactly as you suggest - the bill applies only to a "Class "A" license or wholesaler's license identified in s. 125.25 (2) (b) 2." (licenses issued before May 5, 1994). Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Scott, Kathryn
Sent: Tuesday, July 22, 2003 2:13 PM
To: Gary, Aaron
Subject: RE: s. 125.28 (beer wholesalers)

A couple changes to the current draft.....

- In line 6 of the bill draft, it states that "A Class "A" license.....may be transferred to another premises".....is there a way that we could narrow this? We are trying to ensure that it is only those Class "A" licenses that were issued before 1994 that may be transferred?

- Could we add a provision that would state something such as, "The transfer of licenses shall go into effect upon approval of the receiving entity or municipality."?

- Could we add a clause to the end, similar to the other sample drafts I sent over, stating, "The bill allows a licensee to transfer these Class "A" and beer wholesaler's licenses even if the licenses have been suspended, revoked or denied renewal if the suspension, revocation, or denial of renewal resulted from relocation of the licensed premises outside the issuing municipality."?

If you have any questions or would like more information, please feel free to contact me.

Thanks,
Katie

-----Original Message-----

From: Gary, Aaron
Sent: Tuesday, July 15, 2003 12:32 PM
To: Scott, Kathryn
Subject: FW: s. 125.28 (beer wholesalers)

Hi Katie,

I understand that neither the current draft (03-2937) nor the changes I discussed with Kathy Marschman accomplishes the desired intent.

Do you want to give me a call to discuss at your convenience?

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Gary, Aaron
Sent: Monday, July 07, 2003 9:27 AM
To: Scott, Kathryn
Subject: RE: s. 125.28 (beer wholesalers)

For the most part, but I'm waiting for a response to my e-mail of July 1 before I can proceed. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Scott, Kathryn
Sent: Monday, July 07, 2003 9:16 AM
To: Gary, Aaron
Subject: RE: s. 125.28 (beer wholesalers)

Thanks, Aaron. Sorry for the delay, I was out of the office for a few days.

Do you have all the information from Kathy that you need on this?

Katie
Representative Jerry Petrowski

-----Original Message-----

From: Gary, Aaron
Sent: Monday, June 30, 2003 3:35 PM
To: Scott, Kathryn
Subject: FW: s. 125.28 (beer wholesalers)

Katie,
FYI, here is the response to my question from DOR. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Johnson, Roger B
Sent: Monday, June 30, 2003 1:10 PM
To: Gary, Aaron
Cc: Nordlie, John K; Brandt, Barbara K - DOR
Subject: RE: s. 125.28 (beer wholesalers)

A beer wholesaler licensed anywhere in the state may do business and make sales throughout the state; sales are not restricted to the licensing municipality.

My sense is that the language refers to the fact that the wholesaler must have a licensed premises, and that it may be licensed by the municipality where the premises is located; as the statute further states, " In the case of a foreign corporation or foreign limited liability company whose wholesale

premises is located outside of this state, the wholesaler's license shall be issued by the governing body of the municipality in which some part of the wholesaler's business is conducted in this state."

Roger B. Johnson
Wisconsin Alcohol & Tobacco Enforcement
(608) 266-6757

-----Original Message-----

From: Gary, Aaron
Sent: Wednesday, June 25, 2003 1:57 PM
To: Johnson, Roger B
Subject: s. 125.28 (beer wholesalers)

Mr. Johnson,

I am trying to make sense of that portion of s. 125.28 (1) that reads: "Every municipal governing body may issue licenses to wholesalers for the sale of fermented malt beverages *from premises within the municipality.*" (italics added.) Can you tell me how DOR interprets this provision for purposes of enforcement - can the beer wholesaler's delivery vehicle deliver beer from the wholesaler's premises in the licensing municipality to a beer retailer located in a different municipality? Thank you again for your assistance. Aaron

Aaron R. Gary
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